

### **REMARKS**

Claim 7 has been amended in independent form and claims 11, 13, 15 and 17 have been amended to properly depend on Claim 7. Cosmetic amendments have been made to claims 7-9, 12-14, 17, 18, 21-23, 25, 26, 28, 29, 31, 32, 34, 36-41, 43, 47, 49, 53, 54, 58-62, 67, 68, 70, 71 and 78. Claims 79-81 have been added, which are supported by the Specification at page 9, lines 4, 5 and 29. No new matter is raised by these claims amendments. Claims 1-6 have been canceled. Claims 7-18 and 21-81 are pending.

### **Objection to the Specification**

The specification was objected to for reciting the phrase “and the like” as not determined or, alternatively, including elements not actually disclosed in the specification. Applicants respectfully disagree because one skilled in the art would know what is meant by “and the like” based on the specific examples described in the specification preceding the phrase “and the like”. In an effort to expedite the allowance of the subject application, applicants have amended the specification to remove the recitation of the phrase “and the like.” Accordingly, applicants request withdrawal of this objection.

### **Rejection of claims 70-78 under 35 U.S.C. §112, Second Paragraph - Indefiniteness**

Claims 70-78 were rejected under 35 U.S.C. § 112, second paragraph as indefinite due to omitting instructions for using the kits. Applicants respectfully disagree because one skilled in the

art would know the scope of the claimed invention. Specifically, the Examiner alleged that it was not clear which compound indicates the presence of homocysteine when using the kit of claim 70. Applicants respectfully disagree. Applicants contend that one skilled in the art would know which compound is produced by the enzymatic reaction of the transferase utilizing homocysteine and the other compound as the substrates, so the compound produced indicates the presence of homocysteine. For instance, claim 71 recites that methionine is the compound produced by a reaction of the transferase utilizing homocysteine and one of the substrates recited in claim 71, so the analysis of methionine produced indicates the presence of homocysteine.

Claims 72-78 were rejected as indefinite because of the phrase “where necessary”. The phrase has been deleted and the optional “sarcosine oxidase” or “coupler” has been moved to new claims 79-81.

Withdrawal of the rejections is requested.

#### **Rejection under 35 U.S.C. § 102(b) and 103(a)**

Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as anticipated by or, alternatively, under 103(a) as obvious over van Dijken *et al.* (Archives of Microbiology, V 111(1-2), pp. 7-83, Dec. 1976).

Claims 1-6 have been canceled thus rendering this ground of rejection moot.

#### **Objection of Claims 7-18**

Claims 7-18 have been objected to as being dependent upon a rejected base claim. Claims

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7 has been rewritten in independent form and claims 11, 13, 15 and 17 have been amended to properly depend on claim 7 thus rendering this ground of objection moot.

### CONCLUSION

In view of the above reasoning, it is believed that the present claims are in a condition for allowance. Applicants earnestly request a Notice of Allowance. The Examiner is invited to contact the undersigned attorney if necessary to expedite allowance. Extensions of time, if appropriate, are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 11-0600 referencing Docket No. 02356/10.

Respectfully submitted,

KENYON & KENYON

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King L. Wong  
King L. Wong, Ph.D.  
Reg. No. 37,500

1500 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 220-4200  
Facsimile: (202) 220-4201